## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA SPARTANBURG DIVISION

Christopher Clevon Feaster,	)
#20170675,	) Civil Action No.: 7:18-cv-02807-JMC
Plaintiff,	) )
V.	ORDER
Kim Lescanic, Assistant District Attorney for Cherokee County,	) ) )
Defendant.	) ) )

Plaintiff Christopher Clevon Feaster brings this action pursuant to 28 U.S.C. § 1915 and 42 U.S.C. § 1983. (ECF No. 1 at 5, 9.) Plaintiff, proceeding *pro se* and *in forma pauperis*, alleges he is being detained without probable cause in violation of 42 U.S.C. § 1983. (*Id.* at 4.) Plaintiff claims he was denied a proper bond hearing before a judge, thus depriving him of his rights under the Fourth and Fourteenth Amendments to the United States Constitution. (*Id.*) This matter is before the court for review of the Magistrate Judge's Report and Recommendation (ECF No. 8) recommending that the court dismiss Plaintiff's Complaint (ECF No. 1) without prejudice and without issuance and service of process because the Complaint is subject to dismissal under the *Younger* doctrine, Defendant Kim Lescanic is entitled to prosecutorial immunity, Plaintiff was indicted by a grand jury, and, as Plaintiff could not sufficiently amend his Complaint to address its deficiencies, any amendment would be futile. (ECF No. 8 at 3-6.) The Report and Recommendation, filed *sua sponte* on October 29, 2018, sets forth the relevant facts, which this court incorporates herein without a recitation. (*Id.* at 1-2.)

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, and the recommendation has no presumptive weight. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The responsibility to make a final determination remains with this court. *Id. at* 271. As such, the court is charged with making *de novo* determinations of those portions of the Report and Recommendation to which specific objections are made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *Id.* 

In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984). The parties were advised of their right to file objections to the Report and Recommendation. (ECF No. 8 at 7.) Neither party, however, filed an objection to the Report and Recommendation.

After a thorough review of the Report and Recommendation and the record in this case,

the court finds that the Report and Recommendation provides an accurate summary of the facts

and law and does not contain error. Therefore, the court ACCEPTS the Magistrate Judge's Report

and Recommendation (ECF No. 8) and incorporates it herein. Additionally, the court summarily

DISMISSES Plaintiff's Complaint (ECF No. 1) without prejudice and without issuance and

service of process.

IT IS SO ORDERED.

J. Michaelle Childs

United States District Judge

January 25, 2019 Columbia, South Carolina